

REMARKS

The Official Action mailed October 4, 2002 has been received and its contents carefully noted. Filed concurrently herewith is a Request for Two Month Extension of Time, which extends the shortened statutory period for response to March 4, 2003. Accordingly, Applicant respectfully submits that this response is being timely filed.

Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 21, 2001; September 24, 2001, and January 25, 2002. A further Information Disclosure Statement was submitted on January 13, 2003, and Applicant awaits review and consideration of this Information Disclosure Statement in due course.

Claims 1-25 were pending in the present application. New claims 25-45 have been added to recite additional protection to which Applicant is entitled. Thus, claims 1-45 are now pending in the present application, of which claims 1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, and 43 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance.

The Official Action provisionally rejects claims 1, 4, 7, 10, 13, 16, 19, and 22 under the doctrine of obviousness-type double patenting over claims 12, 22, and 26 of co-pending Application Serial No. 09/942,922; claims 25-30 of co-pending Application Serial No. 09/842,797; and claims 23, 27, 31, 35, and 39 of co-pending Application Serial No. 09/774,637. It is respectfully requested that these provisional rejections be held in abeyance at this time until there is an indication of allowable subject matter, at which time a further response to any remaining double patenting rejections will be made.

The Official Action next rejects claims 1-24 under 35 U.S.C. §112, first paragraph, asserting that the specification contains subject matter which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Official Action asserts that there does not appear to be an mention of a continuous YVO₄ laser, the use of harmonics, or of a liner laser light.


In response, as noted in the Official Action, page 3, lines 20-22 of the present specification makes clear that a YVO₄ laser is one of the solid state lasers that may be used in connection with the present invention. Also, the specification teaches that the solid state laser has a continuous wave and a pulse oscillation type at page 3, lines 23-24, and

that the solid state laser is preferably linearized by an optical system as shown on page 3, lines 13-14. Further, the laser light generated and emitted from the solid state laser source includes not only the fundamental wave, but also the second harmonic, the third harmonic, and the fourth harmonic as shown on pages 4, lines 17-20. Thus, it is respectfully submitted that a solid state laser including a YVO₄ laser can be applicable to any description and embodiment of the present application, and therefore it is submitted that a continuous YVO₄ laser, the use of harmonics, or the use of linear laser light is sufficiently described in the present application to convey to one skilled in the relevant art that the inventors had possession of the claimed invention. Favorable reconsideration is requested.

The Official Action next rejects at least claim 1 as being anticipated by Helen, while also rejecting claims 4 and 10 as obvious based on the combination of Helen in view of U.S. Patent 6,088,379 to Owa et al. As shown by the attached, the publication date of Helen is not earlier than December 5-8, 1999, while the subject application claims priority to September 3, 1999. Therefore, in response to these rejections, Applicant is preparing a verified translation of priority Japanese patent application No. 11-250940 which was filed on September 3, 1999, prior to the publication date of Helen. With the submission of this translation, the rejection based on Helen is moot and favorable reconsideration is requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,


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